

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

-----X

In re:

Chapter 11

ETOYS, INC., et al.,

Case Nos. 01-0706 (MFW)
through 01-0709 (MFW)

Debtors.

ROBERT K. ALBER, *Pro Se*,

X

Appellant,

v.

Civil Action No. 05-0830 (SLR)
Procedurally Consolidated with
Civil Action No. 05-0831

TRAUB, BONACQUIST & FOX, LLP,
BARRY GOLD, MORRIS, NICHOLS,
ARSHT & TUNNELL, LLP, THE UNITED
STATES TRUSTEE and the POST-
EFFECTIVE DATE COMMITTEE OF
EBC I, INC., f/k/a eToys, Inc.

Appellees.

-----X

RE: The Delaware District Court's Memorandum Order Dismissing the Appeal of Robert K. Alber (hereafter referred to as ALBER) with Prejudice. Case No. 05-0830, the Honorable Chief Federal Judge Sue L. Robinson presiding, said Memorandum Order filed February 27th, 2007 (**D.I. 55**).

NOTICE OF APPEAL INTENT

Whereas I, Robert Alber (hereafter referred to as ALBER), being a party of Interest, and Plaintiff, thereby Appellant, do hereby state to all parties concerned that I do this day Appeal and seek upper Court review of the Memorandum Order handed down by Chief Judge Sue L. Robinson of the District Court for the District of Delaware which Dismissed the ALBER Appeal, Case No. 05-0830, with prejudice. Said ALBER Appeal originated in the United States Bankruptcy Court, District of Delaware, concerning the matters of Non Disclosure, Conflict of Interest, Fraud, etc... by eToys Plan Administrator Barry Gold, Creditors Committee Traub Bonacquist & Fox, and eToys Debtor's Counsel Morris Nichols Arsht & Tunnel, with said criminal actions being facilitated by the eToys PEDC and the U.S. Trustee, and requested Disqualification, Disgorgement, referral to the U.S. Attorney's Office, etc.... Under Appeal was the Opinion & Orders of Chief Federal Judge Mary F. Walrath, dated October 4th, 2005, In re: eToys DE Fed. Dist **01-0706** thru 01-0709 (jointly administered) (**D.I. 2319**).

In compliance with rules governing the timely filing of Appeal Notice within 60 days of such Memorandum Order, since the U.S. Trustee is a party to this case, I submit the filing fee of \$455 and deliver to the Third Circuit Court Clerk by Overnight Certified Delivery this Intent to Appeal which is processed this the 27th day of April, 2007, within the Timeline in accordance with the Rules which would be Saturday, April 28th, 2007, with the next business day being Monday, April 30th, 2007.

Dated: Friday, April 27th, 2007

Respectfully Submitted,



Robert K Alber, Pro Se
17685 DeWitt Avenue
Morgan Hill, CA 95037
Tel/Fax: (408) 778-5241
esg@hushmail.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

-----X

In re:

Chapter 11

ETOYS, INC., et al.,

Case Nos. **01-0706** (MFW)
through 01-0709 (MFW)
(Jointly Administered)

Debtors.

ROBERT K. ALBER, *Pro Se*,

X

Appellant,

v.

Civil Action No. **05-0830** (SLR)
Procedurally Consolidated with
Civil Action No. 05-0831

TRAUB, BONACQUIST & FOX, LLP,
BARRY F. GOLD, MORRIS, NICHOLS,
ARSHT & TUNNELL, LLP, the
POST-EFFECTIVE DATE COMMITTEE
OF EBC I, INC., and the UNITED STATES TRUSTEE

Appellees.

-----X

CERTIFICATE OF SERVICE

I, Robert K. Alber, *Pro Se* Appellant, do hereby certify that I served the ALBER NOTICE OF APPEAL INTENT in the above referenced cases on the party(ies) listed below, in the manner so indicated, on April 27th, 2007.



ROBERT K. ALBER
Pro Se Appellant
17685 DeWitt Avenue
Morgan Hill, CA 95037

Tel/Fax: (408) 778-5241
esg@hushmail.com

(via mail and hand delivery)

Office of the Clerk
United States District Court in the District of Delaware
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570

(via mail and hand delivery)

Office of the Clerk
Court of the United States Bankruptcy Court
District of Delaware
824 Market Street, 5th Floor
Wilmington, Delaware 19801

(Served by mail and e-mail)

'Laser' Steven Haas
108 E. Jewel Street
Delmar, Delaware 19940
laserace01@yahoo.com

(Served by mail and e-mail)

Derek Abbott, ESQ
Robert J. Dehney, ESQ
Gregory W. Werkheiser, ESQ
Morris, Nichols, Arsht & Tunnell
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
Tel: (302) 575-7229
Fax: (302) 425-4663
dabbott@mnat.com
RDehney@MNAT.com
gwerkheiser@mnat.com

(Served by mail and e-mail)

James L. Garrity, Jr., ESQ
Shearman & Sterling LLP
599 Lexington Avenue
New York, NY 10022
Tel: (212) 848-4879
Fax: (212) 848-4879
Defense Counsel for Traub, Bonacquist & Fox LLP (currently defunct)
jgarrity@shearman.com

(Served by mail and e-mail)

Ronald R. Sussman, ESQ
Kronish, Lieb, Weiner & Hellman LLP
1114 Avenue of the Americas
New York, NY 10036-7798
Tel: (212) 479-6063
Fax: (212) 820-9785
Defense Counsel for Traub, Bonacquist & Fox, LLP (currently defunct)
rsussman@kronishlieb.com

(Served by mail and e-mail)

Mark Minuti, ESQ
Barry F. Gold
Saul Ewing LLP
222 Delaware Avenue
Suite 1200
P.O. Box 1266
Wilmington, DE 19899
Tel: (724) 413-5783
Fax: (724) 898-0015
Defense Counsel for Barry Gold
mminuti@saul.com
barrygold@aol.com

(Served by mail and e-mail)

G. David Dean, ESQ
Saul Ewing LLP
100 South Charles Street
Baltimore, MD 21202
Tel: (410) 332-8704
Fax: (410) 332-8163
Defense Counsel for Barry F. Gold
gdean@saul.com

(Served by mail and e-mail)

Paul R. Traub, ESQ
Susan F. Balaschak, ESQ
Steven E. Fox, ESQ
Dreier, LLP/The Traub Group, f/k/a Traub, Bonacquist & Fox, LLP (currently defunct)
499 Park Avenue
New York, NY 10022
Tel: (212) 328-6100
Fax: (212) 328-6101
pt@tbfesq.com

(Served by mail and e-mail)

Michael S. Fox, ESQ
Olshan, Grundman, Frome, Rosenzweig & Wolosky, LLP
Park Avenue Tower
65 East 55th Street
New York, NY 10022
Tel: (212) 451-2277
Fax: (212) 451-2222
Formerly of Traub, Bonacquist & Fox, LLP (currently defunct)
mfox@olshanlaw.com

(Served by mail and e-mail)

U.S. Securities and Exchange Commission (SEC)
Susan Sherrill-Beard
E. Gordon Robinson
3475 Lenox Road
Suite 1000
Atlanta, GA 30326
Tel: (404) 842-7625
Fax: (404) 842-7633
Investigators for the SEC
sherrill-beards@sec.gov

(Served by mail and e-mail)

Kelly Beaudin Stapleton, ESQ
U.S. Trustee
833 Chestnut Street, Suite 500
Philadelphia, PA 19107
Tel: (215) 597-4411
Fax: (215) 597-5795
Office of the U.S. Trustee
kelly.b.stapleton@usdoj.gov

(via mail, email and hand delivery)

Mark S. Kenney, ESQ
J. Caleb Boggs Federal Building
844 King Street,
Suite 2313
Lockbox 35
Wilmington, DE 19801
Tel: (302) 573-6565
Fax: (302) 573-6497
Office of the U.S. Trustee
mark.kenney@usdoj.gov

(Served by mail and e-mail)

Frederick Rosner, ESQ

Duane, Morris, LLP

1100 North Market Street

Suite 1200

Wilmington, DE 19801-1246

Tel: (302) 657-4943

Fax: (302) 657-4901

Local Counsel for Traub, Bonacquist & Fox (currently defunct)

Formerly of Jaspan Schlesinger Hoffman, LLP

FBRosner@duanemorris.com

(Served by mail)

Calvin Grant

eToys Shareholder of Record

3325 Sir Henry Street

Point, GA 30344